

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 08-5190 (PAM/JJK)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)) DEFAULT JUDGMENT AND
 V.) FINAL ORDER OF
) FORFEITURE
 \$5,250.00 in U.S. Currency, and)
 \$7,000.00 in U.S. Currency)
)
 Defendants.)

Based on the motion of the United States for an order granting default judgment against all unknown persons and entities having an interest in the defendant currency who have failed to file a verified statement of claim and answer, and for a final order of forfeiture forfeiting nine thousand two hundred and fifty dollars (\$9,250.00) of the defendant currency to the United States pursuant to the settlement entered between the Plaintiff and claimants Marcus Terrell Gordon and Erick Eugene West; and based on all the files and records in this action, and on Court's finding as follows that:

1. A verified Complaint for Forfeiture *In Rem* with supporting Affidavit Of Mari Askerooth In Support of Complaint for Forfeiture *In Rem* was filed on September 15, 2008, alleging that the defendant currency is subject to forfeiture

pursuant to 21 U.S.C. § 881(a)(6);

2. On September 17, 2008, the Plaintiff served F. Clayton Tyler, as counsel for Marcus Terrell Gordon and Erick Eugene West, by certified mail with a copy of the Notice of Judicial Forfeiture Proceedings, the Verified Complaint, the Affidavit In Support of Complaint, and the Warrant of Arrest and Notice *In Rem*.

3. On or about October 20, 2008, Marcus Terrell Gordon and Erick Eugene West filed verified statements of interest in the defendant currency. Claimants' Answer To Complaint For Forfeiture *In Rem* was also filed on October 20, 2008.

4. Pursuant to Rule G(4)(a)(iv)(C), Supplemental Rules For Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States Attorney's Office posted a notice of forfeiture on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on September 26, 2008.

5. No other verified statement or answer to the Complaint for Forfeiture has been filed in this action, other than the claims that were filed by Marcus Terrell Gordon and Erick Eugene West, and the time for filing a verified statement and answer has expired.

6. On or about January 5, 2009, the Plaintiff and claimants Marcus Terrell Gordon and Erick Eugene West entered into a Stipulation for Settlement in this action.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. default judgment is entered against all unknown persons and entities having an interest in the defendant currency;

2. all right, title and interest in nine thousand two hundred and fifty dollars (\$9,250.00) of the defendant currency is forfeited to and vested in the United States pursuant to 21 U.S.C. § 881(a)(6) for disposition in accordance with law; and

3. the remaining three thousand dollars (\$3,000.00) of the defendant currency shall be returned to claimants Marcus Terrell Gordon and Erick Eugene West, through their attorney of record, as provided for in the Stipulation For Settlement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 4, 2009

s/Paul A. Magnuson
PAUL A. MAGNUSON, Judge
United States District Court